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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/558,476

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Claus Dietze

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BACON & THOMAS, PLLC  
625 SLATERS LANE  
FOURTH FLOOR  
ALEXANDRIA, VA 22314-1176

EXAMINER

WALSH, DANIEL I

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/558,476	<b>Applicant(s)</b> DIETZE, CLAUS	
	<b>Examiner</b> DANIEL WALSH	<b>Art Unit</b> 2887	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 6-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Vilppula et al. (WO 0069183), as cited by the Applicant.

Re claim 1, Vilppula et al. teaches a chip card with at least one application for which an implementation and an entry referring to the implementation are present on the chip card, and wherein a plurality of entries referring to the same implementation are present on the chip card (applications 60-68, abstract, and page 3, lines 1+). The Examiner has interpreted that the implementation can be interpreted as the user profile which is interpreted as having one/plurality of entries referring to it, wherein the entry is interpreted as the entry/listing that refers to the type of application, or such as set forth by directory 70 via the AID, and the application is interpreted as the actual applications listed in the user profile, the listing being interpreted as the entries, the applications providing network access (GSM/WAP network access).

Re claim 2, Vilppula et al. teaches entries characterizing different virtual applications refer to the same implementation, as discussed above, where the entries referring to the same implementation (of the same profile) characterize different virtual applications. Additionally, the Examiner notes that different application program groups have a degree of overlap.

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Re claim 3, as the user is able to select the applications available to them through the entries of the implementation, this is broadly interpreted as a freely selectable information sequence.

Re claim 6, this claim is a matter of intended use, and therefore is not patentable. Nonetheless, Vilppula et al. teaches the limitations (page 1, lines 2+).

Re claim 7, network access authorization is understood (access to a portable/cellular phone network) and a corresponding plurality of telephone applications, as discussed above. Further, the Examiner notes that the intended use of a device is not patentable.

Re claim 8, (page 11, table) shows entries provided for each application for providing network access authorization (GSM/WAP), the entries referring to the same implementation (profile) and wherein different network access authorization is made through each entry.

### ***Claim Rejections - 35 USC § 103***

3. Claims 5, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vilppula et al., as discussed above.

Re claim 5, though silent to the freely selectable information sequences having specification for execution of the associated implementation, the Examiner notes that it would have been obvious to one of ordinary skill in the art, that by selecting a given entry of a plurality of entries referring/part of a given implementation, that specifications/directions would be included so that the application/implementation can be executed, for operational purposes. Such specifications can include software for example, so that selection of the sequence results in applications of the implementation being run

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Re claim 9, as discussed above, the Examiner notes that as the entries are selected to invoke the virtual applications for network access, it would have been obvious to have different parameters and to use data belonging to the particular network access authorization, in order to access different networks, and for use by different users.

Re claims 10-11, the limitations have been discussed above. Though silent to referring jointly, the Examiner notes that it would have been obvious to have joint referring, since the Examiner has interpreted that entries are listings/entries of the available applications in a profile/implementation, and therefore having a plurality of applications available in a single profile/implementation would include pluralities of entries (joint referring).

As discussed above, based upon which entry is started with/evaluated of the implementation, execution can be different (i.e. different applications).

### ***Response to Arguments***

4. Applicant's arguments filed have been fully considered but they are not persuasive. The Examiner has interpreted the prior art of record a different way to read on the claim limitations. As discussed above, the profile is interpreted as the claimed implementation, the applications are the applications available to different profiled users, and the entries are the listings/entries that designate the applications available to the user.

### ***Conclusion***

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL WALSH whose telephone number is (571)272-2409. The examiner can normally be reached on M-F 9am-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Paik can be reached on 571-272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL WALSH/  
Primary Examiner, Art Unit 2887